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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 RICHARD CHARLSON, on behalf of)
 12 THE ESTATE OF SCOTT CHARLSON;)
 13 RICHARD CHARLSON, individually;) 2:08-CV-2756-GEB-KJM
 14 NINA CHARLSON, individually,)
 15 Plaintiffs,) ORDER*
 16 v.)
 17 CARSON HELICOPTERS, INC., et al.,)
 Defendants.)
 _____)

18 Plaintiffs move to remand this action to state court. The
 19 motion is premised on Plaintiffs' contentions that Carson Helicopter
 20 Services, Inc. ("CHSI") is a defendant in this action, that removal
 21 was defective since CHSI did not join in the removal petition, and
 22 that complete diversity is lacking since Plaintiffs and CHSI are
 23 citizens of Oregon.

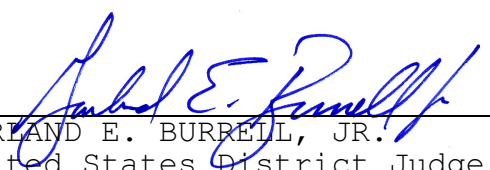
24 Defendants rejoin that CHSI is not a party in this action
 25 since it was not named in the caption of the Complaint, nor the
 26 summons. Defendants support this argument citing California Rule of
 27 _____

28 * This matter was determined to be suitable for decision without
 oral argument. L.R. 78-230(h).

1 Court 2.111(4), which provides the caption of the Complaint must
2 contain "the name of each party," and California Code of Civil
3 Procedures § 412.20(a)(2), which provides the summons shall contain
4 "the names of the parties to the action."

5 Plaintiffs have not shown that CHSI is a party in this
6 action; therefore, the motion is denied.

7 Dated: January 22, 2009

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11 GARLAND E. BURRELL, JR.
12 United States District Judge
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